

REMARKS

In response to the Office Action of February 17, 2005, Applicants have amended the claims, which when considered with the following remarks, is deemed to place the present application in condition for allowance. Favorable consideration of all pending claims is respectfully requested. Amendments and/or cancellation of claims have been made in the interest of expediting prosecution of this case. Applicants reserve the right to prosecute the same or similar subject matter in this or another application.

Claims 1-19 are currently pending in this application. By this Amendment, Claims 1-4, 7, 8, 10, 12, 14 and 15 have been amended, Claim 17 has been canceled without prejudice and Claims 20-22 have been added. Support for new Claims 20-22 can be found throughout the specification. No new matter has been added. Moreover, it is believed that the amended claims presented herein are in condition for immediate allowance.

The Examiner has objected to Claim 4 for the informalities stated on page 2 of the Office Action. Claim 4 has been amended in a manner believed to obviate the objection. Accordingly, withdrawal of the objection is respectfully requested.

The Examiner has rejected Claims 1-19 under 35 U.S.C. §102 as being anticipated by Troutman et al. Application No. WO02/074847 ("Troutman"). This rejection is respectfully traversed.

Nowhere does Troutman disclose a stabilized retardant composition comprising, *inter alia*, "about 5 to 300 parts by weight of a hydrated metal compound per 100 parts by weight of said polymer resin and an effective stabilizing amount of a synergistic mixture of (a) a first stabilizer comprising at least one compound selected from the group consisting of amine oxide stabilizers, hydroxylamine stabilizers, nitron stabilizers, nitroxyl stabilizers, benzofuranone

stabilizers; quinone methide stabilizers, and monoacrylate esters of 2,2'-alkylidenebisphenol stabilizers; and (b) a second stabilizer comprising at least one compound selected from the group consisting of phosphite and phosphonite stabilizers" as generally recited in amended Claim 1.

Rather, Troutman broadly discloses a flame retardant composition containing an effective flame retardant amount of a synergistic mixture of (i) at least one compound selected from the group consisting of nitroxyl stabilizers, hydroxylamine stabilizers, nitron stabilizers, amine oxide stabilizers, benzofuranone stabilizers, phosphate and phosphonite stabilizers, quinone methide stabilizers and monoacrylate esters of 2,2'-alkylidenebisphenol stabilizers and (ii) at least one compound selected from the group consisting of brominated flame retardants, phosphorus containing flame retardants and inorganic flame retardants. In other words, Troutman discloses a flame retardant composition which encompasses a plethora of combinations and permutations of components (i) and (ii) described above. However, at no point does Troutman specifically disclose the combination of at least one polymeric resin, about 5 to 300 parts by weight of a hydrated metal compound per 100 parts by weight of said polymer resin together with an effective stabilizing amount of a synergistic mixture of (a) a first stabilizer comprising at least one compound selected from the group consisting of amine oxide stabilizers, hydroxylamine stabilizers, nitron stabilizers, nitroxyl stabilizers, benzofuranone stabilizers; quinone methide stabilizers, and monoacrylate esters of 2,2'-alkylidenebisphenol stabilizers; and (b) a second stabilizer comprising at least one compound selected from the group consisting of phosphite and phosphonite stabilizers.

It is well established that an earlier disclosure of a genus does not necessarily prevent patenting of a species member of the genus. As is the case here, Troutman cannot anticipate the claimed composition containing the specifically recited components based on the plethora of

combinations and permutations disclosed therein. As such, withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

Troutman likewise nowhere discloses a process for the stabilization of a composition comprising at least one polymer resin and about 1 to 100 parts by weight of a hydrated metal compound per 100 parts by weight of said polymer resin, said process comprising adding to a polymer resin composition an effective stabilizing amount of a synergistic mixture of a first stabilizer additive comprising at least one compound selected from the group consisting of an amine oxide and a hydroxyl amine and a second stabilizer comprising at least one compound selected from the group consisting of a phosphite and a phosphonite stabilizers as presently recited in amended Claim 8. Nor does Troutman disclose a process for forming articles having improved melt stability and color stability comprising melt blending a composition of at least one polymeric resin; about 1 to 100 parts by weight of a hydrated metal compound per 100 parts by weight of said polymer resin, and an effective stabilizing amount of a synergistic mixture of a first stabilizer additive comprising at least one compound selected from the group consisting of an amine oxide and a hydroxyl amine and a second stabilizer comprising at least one compound selected from the group consisting of a phosphite and a phosphonite stabilizers" as generally recited in amended Claim 12.

Rather, Troutman discloses that polymeric substrates can be made flame retardant by incorporating therein an effective flame retardant amount of a synergistic mixture of (i) at least one compound selected from the group consisting of nitroxyl stabilizers, hydroxylamine stabilizers, nitron stabilizers, amine oxide stabilizers, benzofuranone stabilizers, phosphate and phosphonite stabilizers, quinine methide stabilizers and monoacrylate esters of 2,2'-alkylidenebisphenol stabilizers and (ii) at least one compound selected from the group consisting

of brominated flame retardants, phosphorus containing flame retardants and inorganic flame retardants. It is not seen where there is any disclosure in Troutman of a process for the stabilization of a composition comprising adding to a polymer resin composition an effective stabilizing amount of a synergistic mixture of a first stabilizer additive comprising at least one compound selected from the group consisting of an amine oxide and a hydroxyl amine and a second stabilizer comprising at least one compound selected from the group consisting of a phosphite and a phosphonite stabilizers. Nor is it seen where Troutman discloses a process for forming articles having improved melt stability and color stability by employing about 1 to 100 parts by weight of a hydrated metal compound per 100 parts by weight of said polymer resin, and an effective stabilizing amount of a synergistic mixture of a first stabilizer additive comprising at least one compound selected from the group consisting of an amine oxide and a hydroxyl amine and a second stabilizer comprising at least one compound selected from the group consisting of a phosphite and a phosphonite stabilizers. As such, Troutman cannot possibly anticipate amended Claims 8 and 12. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102(b) is respectfully requested.

The Examiner has rejected Claims 18-19 as being obvious over Troutman in view of Kaprinidis et al. U.S. Publication No. 2004/0198875 ("Kaprinidis").

Nowhere does Troutman disclose or suggest a stabilized retardant composition comprising, *inter alia*, "about 5 to 300 parts by weight of a hydrated metal compound per 100 parts by weight of said polymer resin and an effective stabilizing amount of a synergistic mixture of (a) a first stabilizer comprising at least one compound selected from the group consisting of amine oxide stabilizers, hydroxylamine stabilizers, nitron stabilizers, nitroxyl stabilizers, benzofuranone stabilizers; quinone methide stabilizers, and monoacrylate esters of 2,2'-

alkylidenebisphenol stabilizers; and (b) a second stabilizer comprising at least one compound selected from the group consisting of phosphite and phosphonite stabilizers” as generally recited in amended Claim 1 from which Claims 18 and 19 ultimately depend.

Rather, Troutman broadly discloses a flame retardant composition containing an effective flame retardant amount of a synergistic mixture of (i) at least one compound selected from the group consisting of nitroxyl stabilizers, hydroxylamine stabilizers, nitron stabilizers, amine oxide stabilizers, benzofuranone stabilizers, phosphate and phosphonite stabilizers, quinine methide stabilizers and monoacrylate esters of 2,2'-alkylidenebisphenol stabilizers and (ii) at least one compound selected from the group consisting of brominated flame retardants, phosphorus containing flame retardants and inorganic flame retardants.

It is not seen where there is any appreciation in Troutman that about 5 to 300 parts by weight of a hydrated metal compound per 100 parts by weight of a polymer resin together with an effective stabilizing amount of a synergistic mixture of (a) a first stabilizer comprising at least one compound selected from the group consisting of amine oxide stabilizers, hydroxylamine stabilizers, nitron stabilizers, nitroxyl stabilizers, benzofuranone stabilizers; quinine methide stabilizers, and monoacrylate esters of 2,2'-alkylidenebisphenol stabilizers; and (b) a second stabilizer comprising at least one compound selected from the group consisting of phosphite and phosphonite stabilizers can be employed in a stabilized retardant composition containing a polymeric resin such that the color stability of the composition is improved. Instead, Troutman discloses that polymeric substrates can be made flame retardant by incorporating a synergistic mixtures of components (i) and (ii). Troutman further discloses a flame retardant composition which encompasses a plethora of combinations and permutations of components (i) and (ii) described above which, in turn, list a plurality of species within each genus. Certainly, nothing

in Troutman would lead one skilled in the art to choose amongst the plethora of combinations and permutations of components (i) and (ii), the specifically recited composition of Claims 18 and 19 to improve the color stability of the composition.

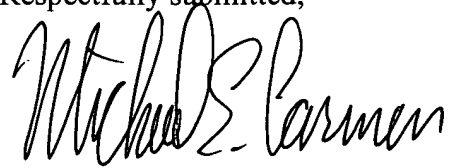
Kaprinidis does not cure and is not cited as curing the deficiencies of Troutman. Rather, Kaprinidis is merely cited for its disclosure of incorporating filler and reinforcing agents in the flame retardant polymer formulation of Troutman to provide good flame retardant properties as well as light stability and mechanical properties. As such, nothing in Kaprinidis would lead one skilled in the art to look to Kaprinidis to modify the composition of Troutman and arrive at the presently claimed composition with any expectation of success.

Since Troutman, alone or in combination with Kaprinidis, fails to disclose or suggest a stabilized retardant composition comprising, *inter alia*, “about 5 to 300 parts by weight of a hydrated metal compound per 100 parts by weight of said polymer resin and an effective stabilizing amount of a synergistic mixture of (a) a first stabilizer comprising at least one compound selected from the group consisting of amine oxide stabilizers, hydroxylamine stabilizers, nitron stabilizers, nitroxyl stabilizers, benzofuranone stabilizers; quinone methide stabilizers, and monoacrylate esters of 2,2'-alkylidenebisphenol stabilizers; and (b) a second stabilizer comprising at least one compound selected from the group consisting of phosphite and phosphonite stabilizers” as generally recited in amended Claim 1 from which Claims 18 and 19 ultimately depend, Claims 18 and 19 are believed to be nonobvious, and therefore patentable, over Troutman and Kaprinidis. Accordingly, withdrawal of the rejection of Claims 18 and 19 under 35 U.S.C. § 103(a) is therefore respectfully requested.

Claims 20-22 have been added to further define the invention and are believed to be allowable for at least the same reasons as Claim 1.

For the foregoing reasons, amended Claims 1-16 and 18-19 and new Claims 20-22 as presented herein are believed to be in condition for immediate allowance. Such early and favorable action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Carmen". The signature is fluid and cursive, with the first name "Michael" being more prominent than the last name "Carmen".

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